

Regular Session, 2010

ACT No. 103

HOUSE BILL NO. 1169

BY REPRESENTATIVE WHITE

AN ACT

To enact R.S. 30:2060(O), relative to air quality; to provide for toxic air pollution standards and compliance; to provide for rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2060(O) is hereby enacted to read as follows:

§2060. Toxic air pollutant emission control program

* * *

O.(1)(a) An affected source's compliance with an applicable standard promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Parts 61 or 63, shall constitute compliance by the affected source with this Section and the rules and regulations adopted by the department under this Section. Determination of the standard for affected sources not subject to a federal standard shall be made by the department through the permitting process using the existing determination method. For purposes of this Subsection, "affected source" means the collection of equipment, activities, or both within a single contiguous area and under common control that is further defined by the applicable standard.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to rules regarding the regulation and control of asbestos promulgated by the department pursuant to R.S. 30:2054.

(2)(a) Affected sources shall be subject to ambient air standards promulgated pursuant to this Section outside their property boundaries, except that such ambient air standards shall not apply to roads, railroads, or water bodies where activities are transient in nature and long-term exposure to emissions is not reasonably anticipated.

1 **(b) Ambient air standards shall not apply to industrial properties adjacent to**
2 **or impacted by emissions from affected sources, provided the affected source shall**
3 **demonstrate that worker protection standards enacted pursuant to the federal**
4 **Occupational Safety and Health Act as permissible exposure limits are not exceeded**
5 **on the impacted property because of toxic air pollutant emissions from the affected**
6 **source.**

7 **(3) Affected sources shall be subject to annual emissions reporting**
8 **requirements for toxic air pollutants promulgated pursuant to this Section.**

9 **(4) Affected sources shall continue to be subject to applicable fees required**
10 **by the department regulations.**

11 **(5) The department shall adopt rules, in accordance with the Administrative**
12 **Procedure Act, R.S. 49:950 et seq., to implement the requirements of this Subsection.**

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____